

### **Remarks**

The present invention provides for an improved lottery game. For example, independent claim 1 requires a lottery bingo system graphically portraying an animated bingo game that includes at least one lottery terminal configured to dispense bingo tickets to a player, and a bingo game generator located at a bingo web server including an animation drawing subsystem. The animation drawing subsystem retrieves bingo call via segments corresponding to a sequence of drawn bingo numbers randomly drawn for a bingo game after dispensing the bingo ticket for the bingo game is ended at least one lottery terminal. The animation drawing system compiles the bingo call video segments into a bingo game video.

Claims 1-12 and 14-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,955,604 to Graves.

Graves et al. is directed to system and method for providing a realistic audio visual representation of a game among widely separated participants. Graves et al. indicates a central game host computer, for example, linked to a player's personal computer by the internet. See Col. 1, lines 50-52. Graves et al. expressly indicates that existing technology permits only alphanumeric data such as numbers being drawn, cards in play, and the like to be transmitted to remote player sites such as a player's personal computer. See Col. 1, lines 60-64. Graves et al. indicates that the increased band width required for transmitting "still pictures" or "video of an actual game event" results in "often unacceptable increases in system cost and complexity". See Col. 1, lines 65 through Col. 2, line 2. Accordingly, Graves et al. indicates that its objective is to employ low band width telecommunications to provide realistic entertainment video presentations and take advantage of low cost and high speed operations available on personal

computers having large hard disk and random access memory. See Col. 3, lines 25-34.

Accordingly, to avoid these problems with transmitting, Graves et al. never indicates the storage of pre-recorded video or animations on a central computer.

Claims 1-12 and 14-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,955,604 to Graves et al. because “to have modified Graves such that the animation subsystem such is located at the server side of the network” . . . “would have been considered a mere design consideration which fails to patentably distinguish itself over Graves et al.”

First, Applicants respectfully submit that the rejection should be withdrawn because the prior art reference Graves et al. teaches away from the claimed invention. The prior art must be considered in its entirety, including disclosures that teach away from the claims. See M.P.E.P. § 2141.02, Part VI. In the present case, Graves et al. expressly teaches away from locating the still frames or video cards on a central computer that are then transmitted to a player’s remote terminal. See, e.g., Col. 1, line 59 to Col. 2, line 14 and discussion above. Instead, as previously described, Graves et al. indicates that video clips should be located on the remote site/a player’s personal computer rather than the server side. During the game, video clips corresponding to codes sent from the central computer/server side are played on the player’s video monitor with all the video clips being previously stored on the player’s personal computer/remote site. See, Col. 6, lines 33-43. Therefore, Applicants respectfully submit that the rejections should be withdrawn because Graves et al. expressly teaches away from Applicants’ claims.

For example, in contrast to Graves et al., Applicants’ claim 1 requires that the animation drawing subsystem be located at a bingo server. Applicants’ independent claim 8 requires compiling, at a bingo web server, the retrieved matched video segments entered into a bingo

game video. Applicants' independent claim 14 also requires an animation drawing subsystem located at bingo web server. As such, Graves et al. expressly teaches away from Applicants' pending claims and the withdrawal of rejection is respectfully requested.

Second, Applicants respectfully submit the rejection should be withdrawn because the Final Office Action's proposed modification of Graves et al. would render this reference unsatisfactory for its intended purpose in violation of M.P.E.P. § 2143.01, Part V. As set forth above, Graves et al. indicates that video clips should be stored on the remote location, not at the central computer so as to avoid transmission of the video or still shots. As such, contrary to the Final Office Action, Graves et al. does not indicate that the animation subsystem performs equally well at either location and in fact indicates exactly opposite. Because locating the animation subsystem at the central computer/bingo web server side of the network expressly contradicts teachings of Graves et al. and would change its method of operation, Applicants respectfully submit the rejection should be withdrawn.

Finally, Applicants respectfully submit that the rejection should be withdrawn because it applies an incorrect standard to Applicants' claimed invention. More specifically, the burden is on the USPTO to present a prima facie case of unpatentability. Applicants respectfully submit that characterizing the differences in Applicants' claimed invention and the prior art as a "mere design consideration which fails to patentably distinguish itself . . ." improperly places the initial burden on Applicants and improperly ignores the requirement that the prior art must teach or suggest all claim limitations. See M.P.E.P. § 2143.03.

Applicant respectfully submits that all claims, as amended herein, are now in condition for allowance and favorable action thereon is requested. Applicants hereby request if any additional fee or extension of time is required to obtain the entry of this response, the

undersigned hereby petitions the Commissioner to grant any necessary time and extension and authorize its charging deposit account no. 04-1403 for any such fee not submitted herewith.

Respectfully requested,

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